



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 5,654,301
Inventor: KOHN, Harold et al.
Issue Date: August 5, 1997
For: AMINO ACID DERIVATIVE ANTICONVULSANT
Assignee: Research Corporation Technologies, Inc.
Date: April 16, 2012
Attorney Docket: 32555-0002-4
NDA: NDA 22-253 (VIMPAT® Tablet)

Mail Stop Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Requirement for Election Under 37 C.F.R. § 1.785

This letter is in response to the Notice of Final Determination and Requirement for Election mailed on March 26, 2012, in the Patent Term Extension Application for U.S. Patent No. 5,654,301 based upon NDA 22-253, for VIMPAT® (lacosamide) tablet. Applicant hereby withdraws this Patent Term Extension Application.

Applicant elects the Patent Term Extension Application for U.S. Patent No. RE38,551 based upon NDA 22-253 for VIMPAT® (lacosamide) tablet. As such, Applicant respectfully requests that the Director issue a certificate of extension for U.S. Patent No. RE38,551 for a period of 5 years.

In addition, Applicant hereby withdraws the Patent Term Extension Applications for U.S. Patent No. RE38,551 based upon NDA 22-254 and U.S. Patent No. 5,654,301 based upon NDA 22-254. As such, no patent should be extended based upon the regulatory review period for NDA 22-254. Nor is the Applicant electing to extend the term of U.S. Patent No. 5,654,301.

We believe that no fee is due in respect to this election, however, any fee due may be charged to deposit account No. 50-1349. Please do not hesitate to contact the undersigned attorney should any questions regarding this Election arise.

Respectfully submitted,

Dated: April 23, 2012

By: 
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